

COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Creating Community Through People, Parks and Programs"
Russ Guiney, Director

September 15, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF AMENDMENT TO LOS ANGELES COUNTY CODE TITLE 17, PARKS,
BEACHES, AND OTHER PUBLIC PLACES, RELATING TO PROHIBITING SMOKING IN PARKS
(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

SUBJECT

Approve an amendment to Los Angeles County Code Title 17, Parks, Beaches, and Other Public Places, prohibiting smoking at County parks.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the action is exempt from the California Environmental Quality Act according to Section 15061 (b)(3), because it can be seen with certainty that the action will not have a significant effect on the environment.
2. Approve the ordinance amending Los Angeles County Code Title 17, Parks, Beaches, and Other Public Places, to prohibit smoking at parks with exceptions for actors in permitted productions or models in permitted photography sessions and in designated areas at contract-operated facilities.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of this action will amend the Los Angeles County Code Title 17, Parks, Beaches, and Other Public Places, to prohibit smoking in parks with exceptions for actors in permitted productions or models in permitted photography sessions and in designated areas at contract-operated facilities. "Contract-operated facilities" are parks, which are operated, controlled, or maintained, in whole or in part, pursuant to an agreement with a lessee, concessionaire, operator, contractor, or vendor for the purpose of providing recreational services to the public.

More than 440,000 deaths occur annually in the United States from tobacco-related diseases, making it the nation's leading cause of preventable death. Studies indicate that the estimated cost of smoking, including both direct and indirect costs, in California is \$475 per resident or \$3,331 per smoker per year. In Los Angeles County, an estimated \$4.3 billion each year is spent on smoking-related costs. This figure includes \$2.3 billion in healthcare expenditures, plus \$2 billion in indirect costs which translate into lost productivity due to illness and premature death.

Exposure to secondhand smoke is the third leading cause of preventable death in this country, killing more than 52,000 non-smokers each year. Furthermore, the medical and economic costs to non-smokers suffering from lung cancer or heart disease are nearly \$6 billion per year in the United States.

Accordingly, the Department of Parks and Recreation (DPR) recommends that smoking be prohibited at all parks except for designated smoking areas within contract-operated facilities as determined by the Director of DPR. Additionally, smoking will be allowed for actors/models during authorized productions at parks unless otherwise directed by the Director of DPR, in consultation with the applicable Fire Official.

Implementation of Strategic Plan Goals

These actions will further the County's Strategic Plan Goals of Health and Mental Health (Goal 4), by helping to improve the quality of life for the residents in the Los Angeles County.

FISCAL IMPACT/FINANCING

Potential costs for implementing a smoke-free parks ordinance have been estimated to be approximately \$36,000 for one-time costs, for signage and supplies for parks, and \$12,750 for staff time to create and implement an educational outreach campaign and conduct smoking cessation classes. The Department of Public Health (DPH), Tobacco Control and Prevention Program has identified \$36,000 from Proposition 99 to fund the signage and supplies. DPR has identified \$12,750 in one-time funding for the educational outreach campaign and smoking cessation classes. No additional cost is expected for law enforcement.

Operating Budget Impact

The recommended action will have no impact on the DPR's operating budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On March 4, 2008, your Board adopted a motion instructing the Directors of DPR and DPH to analyze the advisability of a ban on smoking in the County's public parks, and report back their findings and recommendations. The report was to include the following: an analysis of the effect on public health; the potential costs, including enforcement; any impact on golf revenues; the experiences at other local jurisdictions that have adopted such an ordinance; and a list of all County-operated parks that would be impacted by such an ordinance.

A report, dated April 7, 2009, was submitted to your Board in response to the motion. The report noted that the contract-operated facilities, which include golf and tennis concessions, expressed concerns as to the negative impact a smoking ban would have on revenues and attendance. It would be difficult to quantify the financial impact of a complete smoking ban on the contract-operated facilities. As a result, the report recommended that smoking at these types of facilities be prohibited in areas where individuals congregate, within 20 feet of buildings, and in areas of high fire risk. However, the report further recommended that designated smoking areas be established.

In reviewing the smoke-free policies of local jurisdictions, the City of Los Angeles has a smoke-free park policy with exceptions for most golf courses and for designated contract-operated facilities; the cities of South Pasadena, Pasadena, Cerritos, and Santa Monica also have a smoke-free park policy but permit smoking at other venues, such as golf courses, and the pier. The Hollywood Bowl and the John Anson Ford Amphitheater already prohibit smoking except in designated smoking areas.

On June 2, 2009, your Board adopted a motion instructing County Counsel, in conjunction with DPR, DPH, and the Chief Executive Officer, to develop a smoke-free parks ordinance. The attached ordinance is in response to your motion (Attachment I).

ENVIRONMENTAL DOCUMENTATION

The approval of the ordinance is exempt from the California Environmental Quality Act according to Section 15061 (b)(3), because it can be seen with certainty that the action will not have a significant effect on the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of these actions will cause no impact on current services or programs.

CONCLUSION

It is requested that an adopted copy of this document be retained by the Executive Officer Clerk of the Board, one adopted copy each be forwarded to the Chief Executive Officer, County Counsel, and Public Health, and two adopted copies be forwarded to the Department of Parks and Recreation.

The Honorable Board of Supervisors

9/15/2009

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Russ Guiney". The signature is fluid and cursive, with a long horizontal stroke at the end.

RUSS GUINEY

Director

RG:MY

Enclosures

c: Chief Executive Officer
Acting County Counsel
Executive Officer, Board of Supervisors



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

ROBERT E. KALUNIAN
Acting County Counsel

August 27, 2009

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Agenda No. 4
06/02/09

Russ Guiney, Director
Department of Parks and Recreation
433 S. Vermont Avenue
Los Angeles, California 90020

Re: Smoke-Free Ordinance for County Parks

Dear Mr. Guiney:

On June 2, 2009, the Board instructed our office to work with the Departments of Parks and Recreation, Public Health, and the Chief Executive Office to develop a smoke-free parks ordinance for Los Angeles County guided by the findings and recommendations outlined in the April 7, 2009 report submitted by the Departments of Parks and Recreation and Public Health to the Board. Enclosed is the proposed analysis and ordinance for inclusion with the Board letter that is being prepared in this matter.

Very truly yours,

ROBERT E. KALUNIAN
Acting County Counsel

By *Christina A. Salseda*
CHRISTINA A. SALSEDA
Principal Deputy County Counsel
Property Division

APPROVED AND RELEASED:

Robert E. Kalunian
ROBERT E. KALUNIAN
Acting County Counsel

CAS:gjh

Enclosures

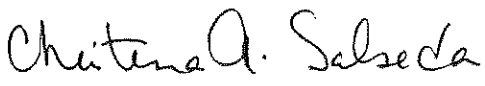
HOA.637975.1



ANALYSIS

This ordinance amends Title 17 – Parks, Beaches and Other Public Places, by prohibiting smoking in parks with exceptions for film or photography sessions and for contract-operated facilities.

ROBERT E. KALUNIAN
Acting County Counsel

By 
CHRISTINA A. SALSEDA
Principal Deputy County Counsel
Property Division

CAS:vn

8/6/09 (Requested)

8/24/09 (Revised)

ORDINANCE NO. _____

An ordinance amending Title – 17 Parks, Beaches and Other Public Places, to prohibit smoking in parks.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 17.04.035 is hereby added to read as follows:

17.04.035 Contract-operated facilities.

"Contract-operated facilities" means parks, which are operated, controlled, or maintained, in whole or in part, pursuant to an agreement with a lessee, concessionaire, operator, contractor, or vendor, for the purpose of providing recreational services to the public.

SECTION 2. Section 17.04.185 is hereby added to read as follows:

17.04.185 Smoking.

"Smoke" or "smoking" shall have the meaning as set forth in Section 11.64.020(B) of this code.

SECTION 3. Section 17.04.650 is hereby added to read as follows:

17.04.650 Smoking Prohibited.

Smoking shall be prohibited at all parks, except:

1. Smoking shall be permitted by actors who are acting during a permitted production or by models during a permitted photography session, unless otherwise determined by the Director, in consultation with the applicable Fire Official; and

2. Smoking shall be permitted within contract-operated facilities, in designated areas, at the discretion of the Director, in consultation with the operators of said facilities.

[1704035CSCC]